

**ASSEMBLY BILL**

**No. 147**

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**Introduced by Assembly Member Nation**

January 21, 2003

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An act to amend Section 113985 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 147, as introduced, Nation. Food products: alcohol notice.

The California Uniform Retail Food Facilities Law requires that any food facility that serves or sells directly over the counter an unlabeled or unpackaged food that is a confectionery that contains alcohol in excess of a required limit shall provide written notice to the consumer of that fact.

This bill would apply that requirement to any unlabeled or unpackaged food served or sold directly over the counter. Because a violation of the California Uniform Retail Food Facilities Law is a misdemeanor, this bill, by redefining a crime, would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1.   Section 113985 of the Health and Safety Code  
2     is amended to read:  
3     113985.   Any food facility that serves or sells over the counter  
4     directly to the consumer an unlabeled or unpackaged food ~~that is~~  
5     ~~a confectionery~~ that contains alcohol in excess of  $\frac{1}{2}$  of 1 percent  
6     by weight shall provide written notice to the consumer of that fact.  
7     The notice shall be prominently displayed or be provided in some  
8     other manner, as determined by the department. The department  
9     shall adopt regulations to govern the notice required by this section  
10    in order to effectuate the purposes of this section.  
11    SEC. 2.   No reimbursement is required by this act pursuant to  
12    Section 6 of Article XIII B of the California Constitution because  
13    the only costs that may be incurred by a local agency or school  
14    district will be incurred because this act creates a new crime or  
15    infraction, eliminates a crime or infraction, or changes the penalty  
16    for a crime or infraction, within the meaning of Section 17556 of  
17    the Government Code, or changes the definition of a crime within  
18    the meaning of Section 6 of Article XIII B of the California  
19    Constitution.

